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EXAMINER

MOONEYHAM, JANICE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,030

Applicant(s)

NA ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 11, 18, 19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 11, 18, 19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on June 15, 2005, wherein:

Claims 4, 11, 18-19, and 21-28 are currently pending;

Claims 1-3, 5-10, 12-17, and 20 have been cancelled;

Claims 4, 11, and 18 have been amended;

Claims 25-28 have been added.

Election/Restrictions

2. Newly submitted claims 25-28 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 4, 11, 18-19 and 21-24 are drawn to a method and system for providing a ticket using a portable terminal and a server that is capable of issuing tickets.

Claims 25-27 are drawn to a method for using ticket information received using a portable terminal.

Claim 28 is drawn to a ticket authentication/entry processor.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4, 11, 18-19, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (US 2003/0105641) (hereinafter referred to as Lewis).

Referring to Claim 4:

Lewis discloses a method of providing a ticket using a portable terminal and a server that is capable of issuing tickets, the method comprising:

receiving a request for issuance of a predetermined ticket from a portable terminal (*Figure 7 (182); col. 2, [0020 -0021] a customer may be presented with various screens with such screens presenting information concerning events, seating available for such events, and ticket prices for each event; Once a customer makes a selection and pays for the selection, a ticket 22 is sent to the customer*);

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checking a communications protocol between the server and the terminal upon receipt of the request for ticket issuance (*Figure 7 [0027] once an event is selected a ticket is purchased, a ticket in the form of a code is sent from the vendor computer to the customer computer to be downloaded[0030] a customer operating the device 182 is able to interact with the various websites being hosted by the main computer system 188 (a communication protocol enable computer to connect with one another and exchange information), and*

converting information related to the ticket requested to be issued according to the corresponding communications protocol and transmitting the converted result to the terminal (*[0030] a customer operating the device 182 is able to interact with the various websites being hosted by the main computer system 188 to review various events, select an event, purchase tickets, receive tickets, and pay for tickets), wherein,*

in transmitting the converted ticket related information to the terminal, the ticket related information includes message type information, ticket unique identifier information, encryption information for authentication (*[0024] UPC or unique identifier), and ticket detail information ([0021-0022]; Figure 2; [0024] , and wherein,*

the ticket is an electronic ticket (*[0021] ticket 22 may be in electronic form for use on a PDA type device; [0030] the ticket may be in the form of an electronic ticket).*

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Referring to Claim 11:

Lewis discloses a method of providing a ticket using a portable terminal and a server that is capable of issuing tickets, the method comprising:

receiving a request for issuance of a predetermined ticket from the terminal (*Figure 7 (182); col. 2, [0020 -0021] a customer may be presented with various screens with such screens presenting information concerning events, seating available for such events, and ticket prices for each event; Once a customer makes a selection and pays for the selection, a ticket 22 is sent to the customer*);

checking a communications protocol between the server and the terminal upon receipt of the request for ticket issuance (*Figure 7 [0030] a customer operating the device 182 is able to interact with the various websites being hosted by the main computer system 188 (communication protocol enable computers to connect with one another and exchange information), and*

converting information related to the ticket requested to be issued according to the corresponding communications protocol and transmitting the converted result to the terminal (*[0030] a customer operating the device 182 is able to interact with the various websites being hosted by the main computer system 188 to review various events, select an event, purchase tickets, receive tickets, and pay for tickets*),

storing the ticket related information in the portable terminal, wherein the storing step comprises analyzing the ticket related information in the portable terminal information and storing the ticket related information using a result of the

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analyzing step ([0030-0031] *the validation system 192 is used to read either a paper ticket or information from the handheld device 182*), and

wherein storing the ticket related information using the result of the analyzing step further comprises assembling received ticket information referring to a result of analyzing message type information, ticket unique identifier information, and information about current message number and a total message number contained in the ticket related information in analyzing the ticket related information in the portable terminal ([0031] *the handheld device 182 may send a signal, such as an audio signal 196, to the validation system 192. Once the signal 196, in essence the ticket, is validated the customer is allowed into event; the signal 196 may take on other forms than an audio signal such as an infrared signal or an UPC displayed on a display associated with the device*), and

wherein the ticket is an electronic ticket ([0032] *the electronic ticketing and validation systems 10, 100, 150, and 180 may be used to supplement or replace current ticketing methods or processes*).

Referring to Claim 18:

Lewis discloses a system for providing a ticket comprising:

a portable terminal for storing information related to a ticket issued (Figure 7 (182));

a database for storing information related to one or more tickets ([0030] Figure 7 (182) database is an aggregation of data; [0027] once the ticket in electronic form is downloaded into the handheld device 112, the customer takes the handheld device 112 to the event and the ticket is entered, downloaded or

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interfaced with a validation system 114; [0031] the validation system 192 is used to read information from the handheld device 182);

a server including a storage unit and a processor connected to the storage unit, wherein the storage unit stores a program for controlling the processor and the processor executes the program to retrieve information related to the ticket from the database when a request for issuance of the ticket is made by the terminal, to check a communication protocol with the terminal and to convert the retrieved ticket related information according to the corresponding communications protocol and transmit the result to the portable terminal (Figures 5 and 7; [0027, 0030-0031]).

Referring to Claim 19:

Lewis discloses wherein the portable terminal is a terminal connected to the server through a wired or wireless network (*[0030] the ISP system 184 may be connected to the main computer system 188 by a conventional land line connection 190 or the connection 190 may be wireless*).

Referring to Claim 21:

Lewis discloses wherein, if the communication protocol is a wide area protocol using Short Message Service (SMS), the server transmits the ticket related information conforming to SMS standard, and if the communication protocol is one of a local area protocol, an Infrared Data Association (IrDa) standard, a wireless communication and a serial data transfer using a cable, the server transmits the ticket related information conforming to the corresponding local area protocol (*[0027] a ticket in the form of a code is sent from the vendor*

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computer 108 to the customer computer 102 and downloaded into a handheld device 112. the ticket may be downloaded into the device 112 in any known manner, such as infrared transmission, connecting a port on the device 112 to a port on the computer 102; the connection 116 may take different forms which include an electrical wire or wires, a telephone line, an infrared device or any other connection in which information is transferred; some examples of how the handheld device 112 may transmit the code, which in essence is the ticket in electronic form, is by infrared signal, audio signal such as DTMF (dual tone multi frequency).

Referring to Claim 24:

Lewis discloses wherein the terminal separates and stores the ticket related information based on the result of analyzing the ticket related information received from the server and a predetermined standard ([0027] once an event is selected and a ticket purchased, a ticket, in the form of coed is sent form the vendor computer to the customer computer to be downloaded into a handheld device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

Referring to Claims 22 and 23:

Lewis discloses the ticket being in electronic form for use on a PDA type device such as a Palm Pilot type device or a cell phone [0021]. Lewis discloses the PDA device being a MP3 type device, a cell phone, a pager, or a personal communication system device such as an Internet enabled cellular phone or pager. Lewis discloses connections being electrical wire or wires, a telephone line, an infrared device, or any other connection in which information or data may be transferred. Lewis discloses some example of how the handheld device can transmit the code is by infrared signal and audio signal such as DTMF [0027]. Lewis discloses that the device is capable of being connected to the Internet by use of an ISP system through the use of wireless or cellular service [0030]. Lewis does not explicitly disclose wherein the local area protocol is a Bluetooth protocol or wherein the wireless communication utilizes radio frequency (RF) signals.

However, the Microsoft Computer Dictionary defines Bluetooth as a technology protocol developed to wireless connect electronic devices such as wireless phones, PDS and computers. The dictionary states that radio frequency signals are electromagnetic waves and are used to transmit a wide variety of signals such as audio signals transmitted over the Internet.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Bluetooth protocol and radio frequency signals since Lewis discloses wireless communication of data to cellular phones, PDAs

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and computers and the PDA disclosed in Lewis is capable of being connected to the Internet through the use of wireless or cellular phones or any other connection in which information or data is transferred, therefore, enhancing consumer convenience and promoting ticket sales.

Response to Arguments

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

Janice A. Mooneyham
SPE 3629